### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Janowski et al.	) Confirmation No. 5898
Filed:	September 15, 2005	<ul><li>) This Information Disclosure</li><li>) Statement was electronically filed</li></ul>
Title:	LOW PROFILE SPINAL FIXATION SYSTEM	<ul><li>) using the USPTO's EFS-Web on</li><li>) January 10, 2008.</li></ul>
Application	10 /5 /0 050	)
No.:	10/549,873	)
Art Unit:	3731	)
Examiner:	Not Yet Assigned	)
		)
Attorney Do	cket: 7115/79982	)
Customer No	o.: 22242	

Commissioner for Patents P. O. Box 1450 Alexandria, Virginia 22313-1450

### **INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with MPEP § 601 and 37 C.F.R. §§ 1.97 and 1.98, Applicants and the undersigned attorney bring the following information with respect to the above-identified application to the attention of the Examiner.

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INFORMATION DISCLOSURE STATEMENT

### **U.S. PATENT DOCUMENTS**

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#### FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	<u>Patentee</u>
WO 06/119271	11/9/2006	Kinetics Research & Design, Inc.

#### NON-PATENT LITERATURE DOCUMENTS

Order dated October 13, 2005, Case No. 2:05-CV-41, Western District of Michigan Northern Division

Opinion dated October 13, 2005, Case No. 2:05-CV-41, Western District of Michigan Northern Division

Declaration of Richard V. Baratta, dated June 1, 2005

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Appeal Brief dated February 21, 2006, Case No. 2:05-CV-014, Western District of Michigan Northern Division

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Reply Appeal Brief dated April 17, 2006, Case No. 2:05-CV-041, Western District of Michigan Northern Division

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USPTO Interview Summary dated December 6, 2005 App. Serial No. 10/358,530

Response to Final Office action dated May 1, 2006 App. Serial No. 10/358,530

Notice of Allowance dated May 15, 2006 App. Serial No. 10/358,530

The above documents are listed on Form PTO/SB/08a which is being submitted electronically with this Information Disclosure Statement. A copy of the above-cited foreign patent document is filed herewith. Copies of the Non-Patent Literature Documents are also filed herewith.

The listing of the above references is not intended to indicate that the references qualify as prior art. Pursuant to 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: January 10, 2008

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